IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1779 of 2005

Between:

Syed Azam Hussaini S/o Syed Yousuf Hussaini
R/o 10-1-869 A.C.Gurards Hydeabad -500 004

..... PETITIONER

AND

1 The Deputy Director, Enforcement Directorate (Foreign Exchange

Regulation Act) Govt of India, No.9/1 Madras Bank Road Behind India

Garage, Bangalore-1
2 The Asst. Director, Enforcement Directorate, Adarshnagar, Opposite New MLA.Quarters Gate Hyderabad,.
3 The Additional Deputy Commissioner of Police, Task Force, South

Zone, Hyderabad.
4 The Inspector of Police Task Force, South Zone, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders direction or directions, writ or writs particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the Task Force Hyderabad and Enforcement Directorate in Seizing and with holding Rs. 99,700/- seized from the petitioner's shop M/s ARMAN COLLECTION on 07/06/1996 is illegal arbitrary, ultravires, mala fide and in violation of principles of natural justice and consequently

to direct the Enforcement Directorate who are with holding the money unlawfully to refund the amount forth with along with 20% interest p.a. from 07/06/1996 till the date of payment.

Counsel for the Petitioner: MR. VENUGOPAL N.V.S.

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.3 and 4: G.P. for Home

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

On 7th June, 1996, scooter bearing No.A.P 9G 6064 was stopped near Madina Centre and Ashok Kumar, rider, and M.A.Raheem, pillion rider were apprehended. Search of scooter resulted in seizure of Rs.3,56,000/-. Search also resulted in seizure of chits and telephone diary. On interrogation they revealed that they were working for Syed Karim Hussaini and Syed Azam Hussaini in a cloth shop named 'Arman Collections' and they were doing 'hawala' business under the guise of cloth shop. The shop premises of 'Arman Collections' was searched and an amount of Rs.99,700/- along with some documents were seized from the custody of Syed Karim Hussaini, Syed Azam Hussaini and Syed Anwar, who were present in the shop. Ultimately, on 17th March, 1999, the Deputy Director, Enforcement Directorate (Foreign Exchange Regulation Act) Government of India passed order with respect to the amount of Rs.3,56,000/-. Petitioner who is the brother of said Karim Hussaini has grievance that no order was passed with respect to release of amount of Rs.99,700/- by the Deputy Director, Enforcement Directorate (Foreign Exchange Regulation Act) Government of India, despite number of representations therefor and despite various legal notices issued. The order passed on 17th March, 1999, shows Syed Karim Hussaini as a partner of M/s.Arman Collections. The amount was seized from his custody and at the relevant time, Syed Karim Hussaini along with Syed Azam Hussaini were found to be running the said shop. Thus, the petitioner is a person aggrieved as regards the order dated 17-3-1999 inasmuch as there was no order directing either release or confiscation of the amount of Rs.99,700/-. Therefore, his remedy would be to file an appeal before the Foreign Exchange Regulation Appellate Board, Ministry of Law, Justice and Company Affairs, Government of India. Filing writ petition is totally misconceived.

Petition dismissed.

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DEVINDER GUPTA, CJ

11-2-2005

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B.SESHASAYANA REDDY, J

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To

1 The Deputy Director, Enforcement Directorate (Foreign Exchange

Regulation Act) Govt of India, No.9/1 Madras Bank Road Behind India

Garage, Bangalore-1

2 The Asst. Director, Enforcement Directorate, Adarshnagar, Opposite New MLA.Quarters Gate Hyderabad,.

3 The Additional Deputy Commissioner of Police, Task Force, South

Zone, Hyderabad.

4 The Inspector of Police Task Force, South Zone, Hyderabad.

5 2 CCs., to the Govt. Pleader for Home, High Court Buildings,

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